

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRUCE MACDONALD, Individually and on Behalf of All Others Similarly Situated,

Plaintiff,

V.

DYNAMIC LEDGER SOLUTIONS, INC., a
Delaware corporation, TEZOS
STIFTUNG, a Swiss Foundation,
KATHLEEN BREITMAN, an
Individual, ARTHUR BREITMAN,
an Individual, TIMOTHY COOK DRAPER, an
individual, DRAPER ASSOCIATES, JOHANN
GEVERS, DIEGO PONZ, GUIDO SCHMITZ-
KRUMMACHER, BITCOIN SUISSE AG,
NIKLAS NIKOLAJSEN and DOES 1-100,
INCLUSIVE.

Defendants.

Case No. 3:17-cv-07095-RS

**[PROPOSED] ORDER GRANTING
PLAINTIFF'S *EX PARTE*
APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION
SHOULD NOT ISSUE**

1 This matter comes before the Court on the application of Plaintiff Bruce MacDonald (“Plaintiff”)
 2 for a temporary restraining order (the “Application”). Plaintiff asks the Court to enter an order
 3 freezing all assets of Defendants¹ collected via or derived from the Tezos Initial Coin Offering (the
 4 “Tezos ICO” and the “ICO Proceeds,” respectively) and restraining and enjoining Defendants from
 5 selling, transferring, converting, encumbering, or otherwise disposing of any of the ICO Proceeds or
 6 taking any action to authorize anyone else to sell, transfer, convert, encumber, or otherwise dispose of
 7 any of the ICO Proceeds until Plaintiff has had sufficient time to conduct appropriate discovery in
 8 preparation for a preliminary injunction hearing and this Court issues a ruling on its Order to Show
 9 Cause Why a Preliminary Injunction Should Not Issue.

10 Having reviewed the materials submitted and being fully advised, the Court GRANTS Plaintiff’s
 11 application as follows:

12 1. The Court GRANTS the Application, finding that Plaintiff has shown (1) a likelihood
 13 of success on the merits; (2) a likelihood of irreparable harm in the absence of preliminary relief,
 14 (3) that the balance of equities tips in Plaintiff’s favor, and (4) an injunction is in the public interest.

15 2. This Order is granted pursuant to Federal Rule of Civil Procedure 65 and the Court’s
 16 general equitable power.

17 3. The Court hereby FREEZES all assets of Defendants that are ICO Proceeds and
 18 RESTRAINS AND ENJOINS Defendants and any persons or entities acting on their behalf from
 19 selling, transferring, converting, encumbering, or otherwise disposing of any of the ICO Proceeds or
 20 taking any action to authorize anyone else to sell, transfer, convert, encumber or otherwise dispose of
 21 any of the ICO Proceeds.

22 ¹ Defendants are Dynamic Ledger Solutions, Inc. (“DLS”), Tezos Stiftung (the “Tezos
 23 Foundation”), Kathleen Breitman, Arthur Breitman, Timothy Cook Draper, Draper Associates,
 24 Johann Gevers, Diego Ponz, Guido Schmitz-Krummacher, Bitcoin Suisse AG, and Niklas
 25 Nikolajsen.

1 4. This Order shall take effect immediately and shall remain in effect pending the Show
2 Cause Hearing in Paragraph 6 or further order of this Court. Defendants may apply to the Court for
3 dissolution or modification of this Order on three court days' notice to Plaintiff.

4 5. Plaintiff is directed to file proof of bond in the amount of \$1,000 no later than 5:00 p.m.
5 on _____. The bond shall serve as security for all claims with respect to this Order.

6 6. Defendants are ordered to appear in the United States District Court for the Northern
7 District of California, San Francisco Courthouse, Courtroom 3 – 17th Floor, 450 Golden Gate Avenue,
8 San Francisco, CA on _____ at _____.m. Pacific Time and show cause why the Court
9 should not enter a preliminary injunction imposing the terms set forth in Paragraph 3 above pending
10 trial in this action.

11 7. Defendants shall serve and file any papers in opposition to the continued restraint not
12 later than _____.m. Pacific Time on _____. Plaintiff shall file any reply not later than
13 ______.m. Pacific Time on _____.
14

15 8. Plaintiff shall serve all Defendants with this Order no later than _____.
16 If service on any Defendant is impossible within that timeframe, notwithstanding good-faith efforts,
17 Plaintiff shall make best efforts to ensure constructive notice to such Defendant(s) and shall file a
18 motion for leave to attempt substituted service by electronic or other means as soon as possible.
19

20
21 **DATED:**

22 _____
23 The Hon. Richard Seeborg
24 United States District Judge
25
26
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28

1 Presented by:

2 DATED: December 14, 2017

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